

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LOUIS DALE,

Petitioner,

v.

ROBERT GILMORE, et al.,

Respondents.

CIVIL ACTION
NO. 16-cv-1345

ORDER

AND NOW, this 28th day of April, 2017, upon consideration of the Petition for a Writ of *Habeas Corpus* (ECF No. 1), Respondents' Response (ECF No. 9), and the Report and Recommendation of U.S. Magistrate Judge Marilyn Heffley (ECF No. 16), it is hereby **ORDERED** that:

1. Magistrate Judge Heffley's Report and Recommendation is **APPROVED** and **ADOPTED**;¹
2. Dale's Petition for a Writ of *Habeas Corpus* is **DENIED** and **DISMISSED** with prejudice;
3. Dale's Motion for Appointment of Counsel, (ECF No. 14), is **DENIED**;
4. No certificate of appealability shall issue;
5. This case shall be **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.

¹ When no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee notes; see also *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) ("In the absence of a timely objection, therefore, this Court will review [a] Magistrate Judge[s] . . . Report and Recommendation for 'clear error.'"). No clear error appears on the face of the record and the Court accordingly accepts Judge Heffley's recommendation.